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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,785	12/31/2001	Robert Bluemer	501033-A-01-US (Bluemer)	4125
7590 12/16/2003 Ryan, Mason & Lewis, LLP 90 Forest Avenue Locust Valley, NY 11560			EXAMINER LEE, SEUNG H	
			ART UNIT 2876	PAPER NUMBER

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/038,785	<b>Applicant(s)</b> BLUEMER, ROBERT	
	<b>Examiner</b> Seung H Lee	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Receipt is acknowledged of the amendment filed on 22 September 2003, which has been entered in the file.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 7-10, 14-20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US 5,875,432, of record) in view of Hirano et al. (US 5,293,464, of record)(hereinafter referred to as 'Hirano') and McClure et al. (US 6,250,548, of record)(hereinafter referred to as 'McClure').

Sehr teaches a computerized voting system comprising communication device or a computer (14) coupled to a network (23) for connecting a major voting entities and a link (16) for connecting local system wherein such connection including a telephone and modem, a displaying device (15) of the computer also serving as a voter interface unit display the user interface or template (Figs. 2-5) confirming a voter's identification information by authenticating a voting card provided by voter and/or verifying the voter with biometric data (e.g., finger prints, voice, signature, retina, etc.) (104, 104.1, 105, 105.1, 106, 106.1), deliver or display the instructions and voting choices of the voting (110), accepting the voting choice made by voter and delivering/storing the result to the

databases (10, 20, 30) of the voting station and tabulation and certification center (2 and 3), inquiring to the voting's station's database for eligibility of the particular voting campaign (108 and 108.1) (see Figs. 1-6; col. 2, lines 40-51; col. 4, line 47- col. 6, line 64).

However, Sehr fairly suggest that the computer comprises a disability related devices.

Hirano teaches that a computer (2) is connected with a Braille input/output unit (1) wherein the Braille input/output unit comprising a Braille keyboard (1b) serving as inputs means and a tactile reading display (1b) and a voice synthesizer (1c) serving as outputs means (see Fig. 1; col. 3, lines 4-50). And McClure teaches an electronic voting system comprising a voting tablet control bank (VTCB)(98) connected with a remote sensing terminal (112) providing access for disabled voters wherein the remote sensing terminal is activated automatically by touching a switch (114) such as a "jelly switch" in which the alter the procedure of the voting sequences suitable for the disabled voters, that is, delivering/accepting choices via the jelly switch, headphones and text to voice converter, etc. (see Fig. 9; col. 19, line 37- col. 21, line 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the Hirano/McClure to the teachings of Sehr in order to provide an user-friendly system means wherein the disabled individual can participate in a electron event using inputting/outputting selection means for adapting the Braille input/output devices and/or switch and voice recognition devices. Moreover, such modification would increase an accessibility means since the

Braille input/output unit can be connected with any computer equipped with an expansion bus for the disabled individual accessing the system therewith. Furthermore, such modification would provide an alternative means for instructing the voting procedure using the voice outputs unit. Finally, such modification would provide a convenience means for activating the devices needed for disabled voter to participate in the voting event by activating necessary devices automatically, and therefore an obvious expedient.

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr as modified by Hirano and McClure as applied to claim 1 above, and further in view of Miyagawa et al. (US 5,732,222)(hereinafter referred to as 'Miyagawa').

The teachings of Sehr/Hirano/McClure have been discussed above.

Although, Sehr/Hirano/McClure teaches the remote election apparatus having a disability related devices, they fail to particularly teach that the interface unit confirm the voter's selection.

Miyagawa teaches that a voter can confirm (P8) the selection of the candidate, displaying confirmation screen immediately voter made selection (P7), re-casting (P5-P8) the candidate prior to processing the voting or correcting the error (see Figs. 43-45; col. 22, line 45- col. 23, line 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Miyagawa to the teachings of Sehr/Hirano/McClure in order to provide an improved and an enhanced system means

for verifying the voter's selection prior to the casting of selection and providing a options to re-casting the candidate if he/she wants to change the candidate for particular vote, and therefore an obvious expedient.

5. Claims 11-12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr as modified by Hirano and McClure as applied to claim 1 above, and further in view of van Zoest et al. (US 6,496,802)(hereinafter referred to as 'van Zoest').

The teachings of Sehr/Hirano/McClure have been discussed above.

Although, Sehr/Hirano/McClure teaches the remote election apparatus having a disability related devices, they fail to particularly teach that the interface unit provide an option to connect the voter with a live worker.

However, van Zoest teaches that an electronic system for accessing the live online help from a customer service representative (see col. 13, lines 48-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the live online help as taught by van Zoest to the election system of Sehr/Hirano/McClure in order to provide an real time assistance for the disabled voter if he/she need an aid during the voting processing. Moreover, such modification would provide a rapid processing means for resolving any difficulties/problems that each individuals may be encountered during voting event, due to the fact that such real time responding system would substantially reduce the voting

time to conduct the voting event within the predetermined period of time, and therefore an obvious expedient.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr as modified by Hirano, McClure and van Zoest, and further in view of Gatto (US 6,149,055).

The teachings of Sehr/Hirano/McClure/van Zoest have been discussed above.

Although, Sehr/Hirano/McClure/van Zoest teaches the remote election apparatus having a disability related devices, they fail to particularly teach that the interface unit is determined the type of disability device and the connecting the appropriate the live poll worker.

However, Gatto teaches to display different type of menu according to the identification information provided by user (see col. 7, line 45- col. 8, line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Gatto to the teachings of Sehr/Hirano/McClure/van Zoest in order to provide a customizing means for supporting the different type of menu according to the individuals needs, e.g., displaying/outputting menu using the Braille output unit if the identification information is indicated the user is in need of such device and providing the online help via the Braille input/output unit appropriately, and therefore an obvious expedient.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's argument that *".....the voter interface unit is operative to automatically identify the disability related communication device as being of a particular type.....the voter interface unit is further operative to alter the manner in which it confirms identification provided by the voter and delivers ballot choices to the voter based at least in part on the automatically identified device type."* (see page 7, line 6+), the Examiner respectfully provide a McClure reference in which the McClure teaches a remote sensing terminal is activating the necessary devices for casting ballots for disable voters as discussed in paragraph 3 above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (703) 308-5894. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax-phone number for this group is (703) 872-9306.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[seung.lee@uspto.gov]**.

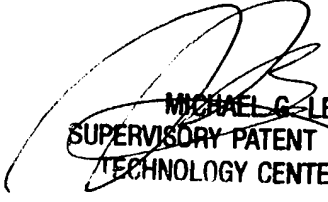
*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

  
Seung H. Lee  
Art Unit 2876  
December 3, 2003

  
MICHAEL C. LEE  
SUPERVISORY PATENT EXAMINER  
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